

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER

6:14-CR-6043 EAW

JONATHAN FERNANDES,
MINDY A. KONOPSKI, and
ANDREJ KONOPSKI,

Defendants.

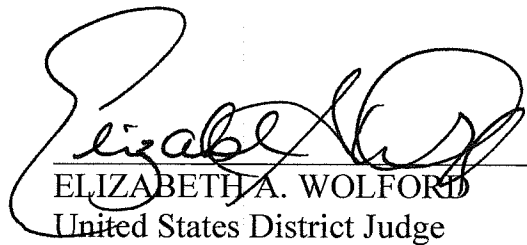
This Court referred all pretrial matters in the case to United States Magistrate Judge Jonathan W. Feldman pursuant to 28 U.S.C. §§ 636(b)(1)(A)-(B). (Dkt. 11). On April 14, 2015, Magistrate Judge Feldman issued a thorough Report and Recommendation, recommending that the Court deny defendant Jonathan Fernandes's motion to sever. (Dkt. 86).

Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1)(C), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. No objections were filed.

The Court has reviewed the Report and Recommendation as well as the filings previously made in the case, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge Feldman. Therefore, the Court accepts and adopts the Report and Recommendation. Based on defendant Fernandes's failure to articulate reasons why the severance of counts is necessary, his motion to sever is denied. Indeed,

the fact that his co-defendants have subsequently pleaded guilty would appear to render moot any request to sever.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: May 21, 2015
Rochester, New York